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Chair: Mr. Salinas Burgos ..... (Chile)

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The meeting was called to order at 10.10 a.m.

Agenda item 109: Measures to eliminate international terrorism (*continued*) (A/66/37; A/66/96 and Add.1)

1. **Mr. Adi** (Syrian Arab Republic), speaking on behalf of the Organization of Islamic Cooperation and referring to the previous report of the Working Group on measures to eliminate international terrorism (A/C.6/65/L.10), said that the Coordinator had been referred to in that document as the Coordinator of the draft comprehensive convention, whereas at the current session she was being called the "Coordinator on the outstanding issues surrounding the draft convention". Whatever the title of her role, however, nothing was agreed until everything was agreed, and such a change of terminology was not helpful. Furthermore, in paragraph 9 of the oral report by the Chair of the Working Group on measures to eliminate international terrorism, delivered at the 28th meeting of the Committee, the text of which had been circulated to the delegations, delegations' comments had been reported in a one-sided manner. It was not appropriate to mention views expressed by only one or two delegations. The possibility of considering the draft convention on a biennial basis had indeed been mentioned, but in connection with the proposal for a high-level conference. The option of considering the agenda item itself on a biennial basis had not been mooted. Moreover, many delegations had rejected the idea of linking the draft comprehensive convention with a high-level conference.

2. The Organization of Islamic Cooperation had rejected the accompanying resolution proposed by the Coordinator, which should not be regarded as "part of the overall compromise package". The Organization of the Islamic Conference was against the very idea of a "package". By putting the accompanying resolution forward, the Coordinator seemed to have added another "package" to the existing one, thus foreclosing any opportunity for negotiations and improvement of the text. Moreover, the Organization of the Islamic Conference had not in fact said that it was premature to consider the text of the draft resolution, but rather that it was premature and procedurally incorrect for the Coordinator to propose an accompanying resolution at all. The report also stated that a clear majority would be more than supportive of adopting a convention on the basis of the "2007 package". That was an exaggeration. Lastly, he pointed out that the intergovernmental nature of the negotiation process had not been mentioned.

3. **Ms. Sabbag-Afota** (Observer for the European Union) said she appreciated the Coordinator's efforts to find a way forward and supported the proposal to postpone the spring session of the Ad Hoc Committee established by General Assembly resolution 51/210. The European Union was firmly committed to the success of the negotiations on the draft text, and was prepared to consider the 2007 proposal without further modification if the negotiations could be successfully completed on that basis. She hoped the draft could be finalized as soon as possible, once discussion was resumed in the Sixth Committee at the sixty-seventh session of the General Assembly.

4. **Mr. Delgado Sánchez** (Cuba) asked whether the previous speaker had spoken in her observer capacity or on behalf of the States members of the European Union.

5. **Ms. Sabbag-Afota** (Observer for the European Union) said that she had conveyed the position of the 27 States members of the European Union.

Agenda item 78: Criminal accountability of United Nations officials and experts on mission (*continued*) (A/C.6/66/L.16)

6. *Draft resolution A/C.6/66/L.16 was adopted.*

7. **Mr. Stuerchler Gonzenbach** (Switzerland), speaking in explanation of position, expressed his appreciation of the resolution and said he would look forward to further discussion of the item at the sixty-seventh session of the General Assembly. Reports from Governments to the Secretary-General during the interim would be especially important in showing exactly where the challenges in ensuring accountability lay, and how they could be overcome. It was clear from paragraph 8 of the resolution that the Committee had considered the report of the Group of Legal Experts, and that the report would be further considered during the sixty-seventh session of the General Assembly, in the framework of a working group of the Sixth Committee. Further comments were invited on the report from Member States, including on the question of future action. The additional text in paragraph 15 invited Governments to provide the Secretary-General with specific details of their domestic law provisions for establishing jurisdiction, particularly over serious crimes, whenever such crimes were committed by their nationals while serving as United Nations officials or experts on mission. His delegation had suggested,

during the negotiations on the resolution, that States should pay particular attention to crimes of the kind mentioned in paragraph 61 of the Secretary-General's report (A/66/174), those being the ones which caused the most trouble. Paragraph 17 of the resolution made clear that it would be useful if the Secretary-General would include in his next report full information about any such incidents.

Agenda item 82: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/C.6/66/L.17)

8. *Draft resolution A/C.6/66/L.17 was adopted.*

Agenda item 77: Nationality of natural persons in relation to the succession of States (*continued*) (A/C.6/66/L.18)

9. **Mr. Válek** (Czech Republic), introducing draft resolution A/C.6/66/L.18, recalled that draft articles on the nationality of natural persons in relation to a succession of States had originally been prepared by the International Law Commission in 1999. The topic was of great importance to the international community because of the problem of statelessness that sometimes resulted from a succession of States. The present text was the outcome of informal consultations on a version circulated earlier in the session, and incorporated new material in its paragraphs 3 and 4, as well as some technical updating. He drew special attention to paragraph 4, which provided that the General Assembly would revert to the question at the request of any State, at an appropriate time, in the light of the development of State practice.

10. *Draft resolution A/C.6/66/L.18 was adopted.*

11. **Ms. Fraper du Hellen** (France), speaking in explanation of position, said that her delegation would have preferred the topic to remain on the Sixth Committee's agenda for the sixty-seventh and sixty-eighth sessions of the General Assembly. Some provisions in the resolution raised difficulties, and would be better framed in treaty form.

12. **Mr.** Igor **Panin** (Russian Federation) said that the resolution was consistent with the outcome of the Committee's discussions on the question and enjoyed wide support from States. Consideration should be given in future to incorporating its provisions into a treaty.

Agenda item 84: The scope and application of the principle of universal jurisdiction (*continued*) (A/C.6/66/L.19)

13. **Mr. Mukongo Ngay** (Democratic Republic of the Congo), introducing draft resolution A/C.6/66/L.19, said that it was no abstract product, but part of a continuous process. It was based on General Assembly resolutions 64/117 of 16 December 2009 and 65/33 of 6 December 2010, and reflected the comments and observations submitted by Governments as well as the discussions held in the Sixth Committee during the sixty-fourth, sixty-fifth and sixty-sixth sessions of the General Assembly. It also took into consideration the discussions held in the Working Group. Paragraph 2 of the draft resolution made it clear that delegations wished the Committee to continue its consideration of the scope and application of the principle of universal jurisdiction, both in the Working Group and in plenary. Paragraph 2 had been slightly amended in that light. It had also been agreed to revise paragraph 4, so as to open the Working Group to all Member States and relevant observers to the General Assembly.

14. In reply to a query by **Mr. Baghaei Hamaneh** (Islamic Republic of Iran), he explained that the "relevant observers" referred to in paragraph 4 of the text would include all observers accepted by the General Assembly.

15. *Draft resolution A/C.6/66/L.19, as orally revised, was adopted.*

Agenda item 167: Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly (*continued*) (A/C.6/66/L.2)

16. **Mr. Şahinol** (Turkey) proposed deferring action on draft resolution A/C.6/66/L.2) until the sixty-seventh session of the General Assembly, in order to enable delegations to consider it further.

17. **Mr. Mikulka** (Secretary of the Committee), in response to a request by the representative of France, read out the following text, as proposed by the representative of Turkey:

> "The Sixth Committee recommends to the General Assembly to resume its consideration of the item concerning the request for observer status for the Cooperation Council of Turkic-speaking States in the General Assembly at its sixty-seventh session".

18. **Mr. Delgado Sánchez** (Cuba) asked what procedure would be followed after the taking of such a decision.

19. **Ms. Le Fraper du Hellen** (France) said it should be made clear that the request for observer status would be considered by the Sixth Committee.

20. **Mr. Mikulka** (Secretary of the Committee) explained that following adoption of the recommendation by the General Assembly, it would be for the General Committee to determine the allocation of the item in question to the Sixth Committee.

21. **The Chair** invited the Committee to accept the proposal put forward by the representative of Turkey.

22. *It was so decided.*

Agenda item 171: Observer status for the United Cities and Local Governments in the General Assembly (*continued*) (A/C.6/66/L.6)

23. **The Chair** announced that the representative of Turkey wished to withdraw the draft resolution.

24. *Draft resolution A/C.6/66/L.6 was withdrawn.*

Agenda item 173: Observer status for the Parliamentary Assembly of Turkic-speaking Countries in the General Assembly (*continued*) (A/C.6/66/L.8)

25. **The Chair** announced that the representative of Azerbaijan wished to withdraw the draft resolution.

26. *Draft resolution A/C.6/66/L.8 was withdrawn.*

Agenda item 174: Observer status for the International Conference of Asian Political Parties in the General Assembly (*continued*) (A/C.6/66/L.9)

27. **Mr. You** Ki-Jun (Republic of Korea), speaking on behalf of the co-sponsors of draft resolution A/C.6/66/L.9, said that action on it should be deferred, in order to allow time to build a consensus.

28. **Ms. Cabello de Daboin** (Bolivarian Republic of Venezuela) said that the draft resolution should be withdrawn. Her delegation had requested some information about the organization in question, and had received none. Moreover, it appeared that the organization did not meet the requirements of General Assembly decision 49/426 of 9 December 1994, nor was it an intergovernmental organization.

29. **The Chair** suggested postponing discussion of the item until the Committee's meeting on 11 November.

30. **Mr. You** Ki-Jun (Republic of Korea) said that the question raised by the Venezuelan delegation could be revisited when the agenda item was discussed. There were a number of exceptions to the requirements of General Assembly decision 49/426. In order to interpret that decision and determine which exceptions might apply, it was necessary to consider its drafting history, along with subsequent practice and the actual purpose of observer status.

31. **Mr. Wada** (Japan) said there was evidently no consensus in the Committee on the granting of observer status to the organization in question. That being so, the matter should be deferred until the sixty-seventh session of the General Assembly.

32. **Ms. Millicay** (Argentina) said there was no difference between deferment and withdrawal of the draft resolution altogether. If the question was merely deferred, it would still have to be reconsidered on the basis of the criteria laid down in General Assembly decision 49/426 when it was again placed on the Committee's agenda. Where observer status was granted by way of an exception, on the basis of a consensus decision in the Committee, such decision should not be seen as setting a precedent. In the present instance, the lack of consensus stemmed from the fact that the organization in question did not meet the requirements of General Assembly decision 49/426. It was evidently a non-governmental organization, and its representation if any should be decided by the Economic and Social Council.

33. **Mr. You** Ki-Jun (Republic of Korea) said that there was no provision, in the Charter of the United Nations to debar the granting of observer status in the General Assembly to the organization in question. Of the two options, he would prefer to defer a decision until the Committee's next meeting. In the meantime, he would circulate some information about the organization, including copies of its constituent instruments.

34. **The Chair** said he took it that the Committee wished to defer a decision on the item until the Committee's next meeting, to enable informal consultations to be held.

35. *It was so decided.*

Agenda item 85: The law of transboundary aquifers
(A/C.6/66/L.24)

36. **Mr. Murase** (Japan), introducing draft resolution A/C.6/66/L.24, said that certain revisions had been made to the text during consultations. In the second preambular paragraph, the word "equitable" in the second line should be replaced by "proper". A new paragraph 1, based on paragraph 5 of General Assembly resolution 63/124, with slight modifications, would read as follows: "*Further encourages* the States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, taking into account the provisions of the draft articles annexed to its resolution 63/124;". In paragraph 3, the phrase "to further examine" should be replaced by "to continue to examine", and the word "final" should be inserted before "form".

37. Although the draft resolution as orally revised was self-explanatory, by adopting it the General Assembly would further encourage the States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, taking into account the provisions of the draft articles formulated by the International Law Commission. Inclusion of the item in the provisional agenda of the sixty-eighth session of the General Assembly would permit further examination of the question of the final form that might be given to the draft articles, in light of the written comments of Governments and the views expressed during the sixty-third and sixty-sixth sessions. He hoped that the discussion at the sixty-eighth session would yield a concrete result.

38. **Ms. Le Fraper du Hellen** (France) said she strongly endorsed the draft resolution.

39. *Draft resolution A/C.6/66/L.24, as orally revised, was adopted.*

The meeting rose at 11.45 a.m.